REMARKS

Claims 5, 23 and 29 have been amended and new claims 46-49 have been added. The application thus contains claims 1-49.

Applicant thanks the Examiner for the indication of allowable subject matter in claims 3-4, 14-17, 27-28, 33, 39-42.

New claims 46 and 48 are similar to claims 1 and 25 with the exception that they refer to the signals being produced in response to current data. New claims 47 and 49 combine the subject matter of claims 3 and 27, in "step for" and "means for" language, respectively, with claims 1 and 25, respectively.

Claims 5, 6, 29 and 30

The Examiner has rejected claims 5, 6, 29 and 30 under 35 U.S.C. 112, second paragraph on the basis of lack of antecedents. Applicant has amended claims 5 and 29 to provide sufficient antecedent basis. Accordingly, the objection concerning claims 5, 6, 29, and 30 is overcome.

35 U.S.C. § 102(e): Cote et al.

The Examiner has rejected claims 1, 2, 7-13, 18-20, 22-24, 31-32, 33(?), 34-38, and 44-45 under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. No. 6,021,262 (Cote et al.; referred to by the Examiner as "Cotes").

The standard for an anticipation rejection under 35 U.S.C. §102 has been established by the Court of Appeals for the Federal Circuit, and is set forth in M.P.E.P. §2131, which provides that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. In addition, the identical invention must be shown in as complete detail as is contained in the claim. For a prior art reference to anticipate a claimed invention, every element of the claimed invention must be identically shown in a single reference, and these elements

must be arranged as in the claim under review. Applicant respectfully submits that the Cote et al. reference fails to satisfy the above tests for anticipation.

Claim 1

Applicant's claim 1 recites:

> "A method of annunciating problems in a system, comprising producing signals for concurrently indicating a plurality of system problems and problem priority information associated with said system problems, in response to data representative of system conditions."

Cote et al. do not teach the overall <u>combination</u> of the foregoing elements of Applicant's claim, which include "indicating a plurality of system problems" <u>and</u> "[indicating] problem priority information associated with said system problems" <u>and</u> doing this "in response to data representative of system conditions" <u>and</u> causing the "indicating" to occur "concurrently".

The Examiner specifically cites column 4, lines 39-48 and column 5, lines 25-31 of Cote et al. The first excerpt cited refers to detecting a link condition (e.g., excessive delay or delivery failure) through the use of monitoring software, and when a link condition is detected, notifying an administrator or automatically "repairing" the condition. The second excerpt cited refers to recording both warning and alert detections in a condition log which the administrator is able to review at the end of each month to determine, e.g., the timeliness of condition resolution.

Cote et al. do not disclose "producing signals for <u>concurrently</u> indicating a <u>plurality</u> of system problems" and "priority information associated with said system problems" as claimed. Rather, Cote et al. appear to provide that each notification is independently scheduled (block 230 of Figure 2) and priority messages sent to designated users are given display priority by appearing immediately on the display device and by message handling priority. Thus, the administrator does not receive notification of a <u>plurality</u> of system

problems <u>concurrently</u>. Figure 5 of Cote et al. shows discrete notifications occurring sequentially at times A, B and C, or alternatively, at times D, E and F, rather than concurrently. Even when an immediate notification action is indicated (block 240 of Figure 2), the overall notification and repair procedure (cf. flowchart in Figure 2) is designed to issue notifications for one detected condition at a time, thus a plurality of notifications cannot occur concurrently. Furthermore, at column 5, lines 25-26, Cote et al. state "Both warning and alert detections are recorded in the condition log. Nowhere is it disclosed or suggested that the condition log should "<u>concurrently</u> indicate a plurality of system problems" and problem priority information <u>associated with</u> said system problems". More broadly, nowhere is it disclosed or suggested that a plurality of system problems should be indicated concurrently with associated problem priority information.

In view of the stringent tests for anticipation recited above, Applicant respectfully submits that Cote et al. fail to satisfy the tests for anticipation by failing to disclose each and every limitation claimed, and therefore the rejection of claim 1 is improper and should be withdrawn.

<u>Claims 2, 7-13, 18-20</u>
Applicant respectfully submits that the rejection of claims 2, 7-13, 18-20 is improper due to their ultimate dependence upon claim 1, and also due to the additional subject matter each of these claims recites.

Notwithstanding its ultimate dependence upon claim 1, claim 8 recites enabling user selection of at least one of performance degradation information, alarm information and service violation information, for concurrent display with an associated system problem. Cote et al fail to disclose or suggest this feature. In particular concurrent display of the user selected item along with concurrent display of a plurality of system problems and associated priority is not disclosed or suggested by Cote et al. Therefore, notwithstanding the arguments above with respect to claim 1, upon which

claim 8 ultimately depends, the rejection of claim 8 is improper and should be withdrawn.

Notwithstanding its ultimate dependence upon claim 1 claim 10 recites correlating said performance degradation information and said service violation information to identify said problem priority information associated with said system problems, which is not disclosed or suggested by Cote et al. The Examiner appears to have mischaracterized this claim as the claim recites correlating said performance degradation information and said service violation information to identify said problem priority information associated with said system problems whereas the Examiner has stated the claim recites "correlating <u>at least one</u> of performance degradation information and service violation information...". Addressing the actual wording of claim 10, since Cote et al fail to consider priority in the same sense described in applicant's claims, as argued above, there is no suggestion as to how priority information might be identified. Furthermore there is no disclosure or suggestion that both performance degradation information and service violation information be correlated to identify problem priority information. Therefore, notwithstanding the arguments above with respect to claim 1, upon which claim 10 ultimately depends, the rejection of claim 10 is improper and should be withdrawn.

Notwithstanding its ultimate dependence upon claim 1, claim 11 recites quantifying at least one of performance degradation information and service violation information to identify said problem priority information associated with said system problems. The Examiner appears to have incorrectly characterized this claim. The Examiner states the claim recites "correlating" whereas the claim actually recites "quantifying". Nevertheless, addressing the actual language of claim 11, Cote et al fail to disclose quantifying at least one of performance degradation information and service violation information to identify said problem priority information associated with said system problems. The rejection of claim 11 is improper for the same reasons as claim 10 and because Cote et al fail to disclose quantifying to identify problem priority information.

Notwithstanding its ultimate dependence upon claim 1, claim 18 recites producing signals for displaying a system problem hierarchy including at least one system problem, and at least one of performance degradation information, alarm information and service violation information associated with a selected one of said problem objects. Cote et al fail to disclose displaying a system problem hierarchy, and fail to disclose problem objects. The Examiner has pointed to Column 4, lines 49-60 for basis for the rejection but nowhere at this location or any other location in the Cote et al reference is there any disclosure or suggestion of the display of a system problem hierarchy or problem objects. Therefore, notwithstanding the arguments above with respect to claim 1, upon which claim 18 ultimately depends, the rejection of claim 18 is improper and should be withdrawn.

Claim 22

Claim 22 is directed to a computer-readable medium providing instructions for directing a processor circuit to perform the method of claim 1. Applicant respectfully submits that the rejection of claim 22 is improper for generally the same reasons as claim 1.

Claim 23 re Typographical Error

Claim 23 is directed to a computer-readable signal providing instructions for directing a processor circuit to perform the method of claim 1. Applicant respectfully submits that the rejection of claim 23 is improper for generally the same reasons as claim 1.

Claim 23

The Examiner has objected to claim 23, for use of the language which recites "[a] signal embodied in a carrier wave". Claim 23 has been amended to recite a "computer readable signal" thus removing the reference to a carrier wave and overcoming the rejection.

Claims 24-25

Claim 24 is a means-plus-function style apparatus claim having language similar to the method recited in claim 1. Applicant respectfully submits that the rejection of claim 24 is improper for generally the same reasons as claim 1.

Claim 25 claims an apparatus comprising a receiver and a signal generator having functionality analogous to that described in claim 1. Applicant respectfully submits that the rejection of claim 25 is improper for generally the same reasons as claim 1.

Claims 26, 31-38, 43-44

Applicant respectfully submits that the rejection of claims 26, 31-38, 43-44 is improper due to their ultimate dependence upon claim 25, and also due to the additional subject matter each of these claims recites.

Claim 32 is similar to claim 8, in apparatus form. The rejection of claim 32 is improper for generally the same reasons as claim 8.

Claim 35 is similar to claim 10, in apparatus form. The rejection of claim 35 is improper for generally the same reasons as claim 10.

Claim 36 is similar to claim 11, in apparatus form. The rejection of claim 36 is improper for generally the same reasons as claim 11.

Claim 43 is similar to claim 18, in apparatus form. The rejection of claim 43 is improper for generally the same reasons as claim 18.

Claim 45

Claim 45 claims an apparatus comprising a receiver, a signal generator, and a display. The functionality of the receiver and signal generator are analogous to that described in claim 1. Applicant respectfully submits that the rejection of claim 45 is improper for generally the same reasons as claim 1.

35 U.S.C. § 102(e): Douik et al.

Claim 21

The Examiner has rejected claim 21 under 35 U.S.C. §102(e) as being anticipated by U.S. Pat. No. 6,012,152 (Douik et al.), specifically citing column 14, lines 24-28 and Figure 1, item 22 of the reference in this regard.

Column 14, line 23 Douik et al. disclose faults being classified based on "priority" of the faults, timing properties of the faults, source of the fault, and its hierarchical level, for example. It is important to consider the context in which this reference to "priority" is presented, especially that Douik et al. introduce the classification scheme for faults with the following warning:

> "The objective here is not to provide an exhaustive fault classification guideline, but to identify the main faults that seem to be of the [sic] high priority to mobile telecommunications network maintenance activities. Faults may be classified on the basis of:..." (column 14, lines 18-22, emphasis added).

Douik et al. merely point out some of the criteria that can be used to classify faults (column 14, lines 18), and attempts to non-exhaustively describe some of the types of faults which seem to be of particular interest (i.e., "of the [sic] high priority": column 14, line 20) "to mobile telecommunications network maintenance activities" (lines 21-22). Douik et al. are not asserting that their invention actually uses these classifications. Thus, for example, there is no mention of classifying faults by "priority" in the subsequent detailed description, much less any teaching of "displaying a plurality of system problems and problem priority information associated with said system problems in response to data representative of system conditions" as claimed.

Figure 1, item 22 comprises a Human Computer Interface (HCI), however, the patent disclosure says relatively little about exactly what information is displayed by the HCI. For example, although it is stated at column 19, lines 59-64 that the HCI is "state-of-the-art" and used for "all aspects of network operation, administration, maintenance and provisioning", allowing for the input of "operator management actions", such a description is insufficiently particular to be capable of anticipating the Applicant's claim. Likewise, the description of the HCI at column 27, line 43 to column 28, line 18 is unhelpful. While it states that the HCI presents "views", "dialogues" and "roles integration" (col. 28, lines 6-8), it does not define these terms, leaving the reader uninformed about what information is displayed in association with what other information.

In comparison, note carefully the precise language of claim 21:

> "A method of annunciating problems in a system comprising displaying a plurality of system problems and problem priority information associated with said system problems in response to data representative of system conditions."
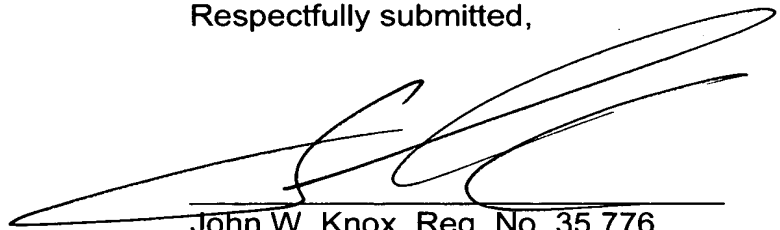
Applicant submits that there is no clear description by Douik et al. of an invention displaying "priority information" precisely as claimed. Applicant further submits that the description provided by Douik et al. about the operation of item 22 of Figure 1 (i.e., the HCI), is insufficiently particular to disclose each and every element as set forth in claim 21, and further fails to arrange the desired elements as in the claim under review. Accordingly, Applicant respectfully submits that the Douik et al. reference fails to satisfy the standard for an anticipation rejection under 35 U.S.C. §102(e), and submits that the rejection is improper and should be withdrawn.

We enclose a set of 12 sheets of corrected drawings as per the approved proposed drawing correction filed November 8, 2000.

Applicant respectfully requests further favorable consideration of the application.

A bank draft in the amount of $416.00 is attached as payment for the 4 new independent claims. The Examiner is hereby authorized to charge any additional fees required associated with this communication or credit any overpayment to Deposit Account No. 06-0713.

Respectfully submitted,

John W. Knox, Reg. No. 35,776
SMART & BIGGAR
Box 11560 Vancouver Centre
2200 – 650 West Georgia Street
Vancouver, British Columbia
Canada V6B 4N8
Telephone: 604-682-7295

JWK:DAG:cmm
Encl.: 12 Sheets of Drawings
$416.00 Bank Draft